IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 760 OF 2003

IN

SUIT NO. 2648 OF 2002

John. J. Ambalathinkal .. Plaintiff.

vs.

Pandurang Bhoir & Ors. .. Defendants.

And

Shri Atmaram Waman Bhoir

& Ors. .. Respondents.

Mr. Girish Godbole with Sandesh Patil

i/by Vikas Mahangare for Respondents.

Smt. M.M. Dave for defendant nos. 1 to 7.

CORAM : S.U. KAMDAR, J.

DATE : 26th AUGUST, 2005.

P.C.

. The present notice of motion is taken out by respondent nos. 1 to 7 seeking to set aside the consent minutes of order dated 12.08.2002. In view of the fact that the said order is consent order and the respondent nos. 1 to 7 are not parties thereto,

obviously the said order dated 12.8.2002 would not bind respondent nos. 1 to 7.

2. The learned counsel for the respondent nos. 1 to 7 further states that in respect of the establishment of the rights in the said suit a substantive suit has been filed in Thane Court being RCA Suit No. 61 of 1997 which is pending. It is made clear that the respondent nos. 1 to 7 will be entitled to take out any appropriate proceedings to protect their rights in the property in the RCA Suit No. 61 of 1997. If such an application is taken out then the same will be heard by the concerned Judge without being influenced by order dated 12.8.2002 passed by this Court as a consent order between the plaintiff and the defendants and to which the respondent nos. 1 to 7 are not parties.

3. By the said consent order, Mr. Puttampat Joseph has been appointed as receiver in respect of the said properties. The said receiver is hereby directed not to take any further steps pursuant to the order dated 12.8.2002 for a period of three months from today. In the meantime, respondent nos. 1 to 7 will be at liberty to approach the learned Judge hearing RCA Suit No. 61 of 1997 for appropriate reliefs. If any orders are passed in the said suit then the Receiver will abide by the same and continue to act in accordance with the

order passed by the said civil Court in RCA Suit no. 61 of 1997. No other orders are necessary in the present motion. Motion is disposed of accordingly. However,there shall be no order as to costs.